

REMARKS

This paper provides an amendment accompanying a request for continued examination. The Office examined claims 1-3, 5-10, and 12-23. Claims 8-10, 12-15 and 19-23 are allowed, claims 5 and 17 are objected to, and claims 1-3, 6-7, 16 and 18 are rejected. With this paper, claims 1, 16, 18, and 21 are amended, none of the claims are canceled and no new claims are added, so that claims 1-3, 5-10, and 12-23 remain in the application.

Claim Rejections under 35 USC §103

At sections 1-3 of the Office action, claims 1-3, 5-7, 16 and 18 are rejected under 35 USC §103(a) as being unpatentable over WO99/30479 (hereinafter Alperovich) in view of U.S. Pat. App. Pub. No. 2004/0092265 (hereinafter Chitrapu) and US Pat. App. Pub. No. 2006/0195551 (hereinafter Dowling). Of the claims so rejected, the sole independent claim is claim 1.

Applicant has amended claim 1 to replace the limitation “one or more currently active cellular network systems” with “at least two currently active cellular network systems.” No new matter has been introduced by way of amendment. As amended, claim 1 reads:

A method for use by a communication device, comprising:

obtaining information about at least two currently active cellular network systems to each of which the device has one or more active connections for respective connected applications hosted by the device, wherein the information includes at least the number and type of connections currently in use; and

deciding whether to allow establishing a new connection to one of the currently active cellular network systems on behalf of another application hosted by the device based on factors including the information about currently active cellular network systems.

An advantage of the amended multi-system feature is that unnecessary connections are not permitted. For instance, if one system is capable of serving the need that would be served by a requested new connection, a new unnecessary connection (and associated signaling and battery capacity drain) is avoided.

To the extent that the obviousness rejection might be applied to the claims, as amended, it is respectfully traversed for the following reasons:

The Office relies on Alperrovich (page 3, lines 19-22, page 4, lines 23-32, page 5, lines 1-4, 16-27 and claim 1, lines 10-14) for teaching a device obtaining information about *one* currently active cellular network system to which the device has an active connection and deciding whether to allow establishing a new connection with another network system to which the device is not connected. As clearly set forth by the Office in the Response to Arguments section of the Office Action, the Office cites Alperrovich for the “option of *one* active connection with which the device has *one* connection” (see page 2, paragraph 3 of the Office Action). As amended, however, independent claim 1 requires “at least two currently active cellular network systems to each of which the device has one or more active connections for respective connected applications hosted by the device;” therefore the claimed invention recites *at least two* active connections (i.e., at minimum, [at least] one active connection for each of [at least] two currently active cellular network systems). As admitted by the Office on pages 2-3 of the Office Action, Alperrovich discloses “one connection to one active system,” thus Alperrovich fails to disclose or suggest the newly amended feature of the claimed invention.

The Office relies on Chitrapu for disclosing combinations allowed by each currently active network system (see Chitrapu Fig. 2, para. [0014], lines 1-12 and paras. [0016]-[0017]). Chitrapu discloses handover considerations, i.e. transfer of the connection to *another* network. The Office relies on Dowling for disclosing “wherein the information includes at least the number and type of connections currently in use,” as claimed in claim 1. The Office cites paras. [0027]-[0028], [0033]-[0034] and [0037]-[0041] as teaching “one or more servers coupled to the packet transport interface for routing functions for packet rerouting within the proximity of the mobile device.” Dowling discloses a typical setup wherein servers route traffic. Chitrapu and Dowling, however, fail to disclose or suggest the amended feature of the claimed invention that is lacking in Alperrovich, namely “*at least two* currently active cellular network systems to

each of which the device has one or more active connections for respective connected applications hosted by the device.”

Consequently, Alperrovich, Chitrapu and Dowling, taken singly or in combination, fail to disclose or suggest all the features of the invention as recited in amended claim 1. For at least the reasons provided above with regard to claim 1, applicant respectfully requests that the rejection of claim 1 under 35 USC §103(a) be reconsidered and withdrawn.

Claims 2-3, 6-7 and 18 are directly or indirectly dependent from claim 1 and recite additional features not recited in claim 1. For at least the reasons provided above with regard to claim 1, applicant respectfully requests that the rejection of claims 2-3, 6-7 and 18 under 35 USC §103(a) be reconsidered and withdrawn.

Former dependent claim 16 is amended to be an independent claim and includes the features of claim 1. Support for the amendment can be found in the specification as originally filed, including page 6, lines 1-8 and claims 16-18. For at least the reasons provided above with regard to claim 1, applicant respectfully requests that the rejection of claim 16 under 35 USC §103(a) be reconsidered and withdrawn.

Allowable Subject Matter

At section 4 of the Office action, the Office objects to claims 5 and 17 as being dependent on a rejected base claim, but asserts that claims 5 and 17 would be allowable if rewritten in independent form including all of the limitations of the base claims and intervening claims. Applicant respectfully submits that claims 5 and 17 are allowable in their current form in view of the allowability of claim 1 from which claims 5 and 17 ultimately depend.


At section 5 of the Office action, the Office indicates that claims 8-10, 12-15, and 19-23 are allowed. Applicant would like to express appreciation to the Office for the allowed claims.

CONCLUSION

For all the foregoing reasons it is believed that all of the claims of the application are in condition for allowance and their passage to issue is earnestly solicited.

Respectfully submitted,

3/3/10
Date


Cathy A. Sturmer
Registration No. 60,869

WARE, FRESSOLA, VAN DER SLUYS
& ADOLPHSON LLP
755 Main Street, P.O. Box 224
Monroe, CT 06468-0224
tel: (203) 261-1234
Cust. No.: 004955